

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Takefumi NAGUMO et al.)	Group Art Unit: 2624
)	
Application No.: 10/553,960)	Examiner: Jose L. COUSO
)	
Filed: August 22, 2006)	Confirmation No.: 6542
)	
For: IMAGE DECODING DEVICE AND IMAGE)	
DECODING METHOD)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF INFORMATION DISCLOSURE
STATEMENT FILED UNDER 37. C.F.R. § 1.97(d)

Sir:

In the Notice of Non-Compliance of Information Disclosure Statement with the Provisions of 37 C.F.R. § 1.97 dated December 15, 2009, the Examiner indicates that he did not consider the Information Disclosure Statement (IDS) because it failed to include the petition after allowance required under 37 C.F.R. § 1.97(d) and that he will not consider the IDS until it complies with 37 C.F.R. § 1.97-1.98.

In reply to the Office communication mailed December 15, 2009, Applicant respectfully submits that the IDS filed on November 20, 2009, was in compliance with the provisions of 37 C.F.R. § 1.97. The IDS included the statement that it was being filed after a Notice of Allowance but before payment of the issue fee; and it was accompanied by a fee of \$180.00 as specified under § 1.17(p) and a statement as

specified under § 1.97(e). Contrary to the statement made by the Examiner, § 1.97(d) does not require a "petition after allowance."

The IDS was filed under 37 C.F.R. § 1.97(d) which specifies:

(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- (1) The statement in paragraph (e) of this section; and
- (2) The fee set forth in § 1.17(p).

Paragraph (e) specifies that a statement under this section must state:

(1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

In the IDS filed by applicant on November 20, 2009, Applicant made the following statement required under 37 C.F.R. § 1.97(e):

"Each document listed in this Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication."

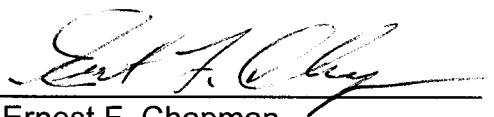
In view of the foregoing it is respectfully requested that the Examiner consider the IDS filed on November 20, 2009, and appropriately confirm his consideration of the listed documents.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 6, 2010

By: 
Ernest F. Chapman
Reg. No. 25,961